House of Assembly
Nova Scotia

Report

Commission of Inquiry
on
Remuneration of Elected
Provincial Officials

November 30, 1992

Commission of Inquiry
on
Remuneration of Elected Provincial Officials

Commissioners:

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November 30, 1992

The Honourable Ronald [illegible]ussell, C.D.
Speaker of the House of Assembly
Province House
Halifax, Nova Scotia

Dear Mr. Speaker:

We were appointed as Commissioners pursuant to S.55 of Chapter 210, Revised Statutes of Nova Scotia, 1989, to make an inquiry and a report respecting the indemnities, allowances and salaries to be paid under the House of Assembly Act and the Executive Council Act.

Having completed our inquiry, in fulfilment of the commission assigned, we respectfully submit the accompanying report.

Yours sincerely,

George M. Mitchell

George L. White

NOVA SCOTIA

COMMISSION OF INQUIRY

OF

REMUNERATION OF ELECTED

PROVINCIAL OFFICIALS

30 November 1992

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I. INTRODUCTION

The *House of Assembly Act* by virtue of Section 55 provides that the Speaker shall, on or before the first day of October in each year, appoint persons to make an inquiry and a report respecting indemnities, allowances and salaries to be paid under the *House of Assembly Act*, the *Executive Council Act*, and the *Members' Retiring Allowances Act*.

By way of a letter dated October 1, 1992, the Speaker confirmed the appointment of George M. Mitchell and George L. White as Commissioners to carry out the inquiry required by the *House of Assembly Act* and the *Executive Council Act*.

By way of a separate letter dated October 1, 1992, the Speaker confirmed the appointment of George L. White as Commissioner to inquire and report on all matters arising with respect to the *Members' Retiring Allowances Act*.

The inquiry required to be carried out pursuant to the *House of Assembly Act* and the *Executive Council Act* has this year as in 1991 been severely proscribed by the passage in the House of Assembly on July 11, 1991 of the *Public Sector Compensation Restraint Act*. This Act passed into law, the stated objective of the Government to freeze wages of public sector employees for a period of two years. Pursuant to Part 2, Section 13 of the Act, its application was extended to cover Ministers of the Crown and Members of the House of Assembly. Pursuant to Clause 14 of the Act the Indemnities, Allowances and Salaries paid pursuant to the *Executive Council Act* and the *House of Assembly Act* immediately before the coming into force of the Act, were to be continued until the 1st day of January, 1994 without change.

It is the opinion of your Commissioners that this legislation prevents them from making any change to any indemnities, allowances or salaries paid to Members of the Executive Council and Members of the Legislative Assembly for the years 1992 and 1993.

As a result of this legislation, your Commissioners did not hold a public hearing to obtain views of the public nor did it consult with other organizations in the Province such as the Boards of Trade, Chambers of Commerce or The Federation of Labour.

In 1991 your Commissioners did not consult with Members of the Assembly but in 1992 they did contact all Members of the Assembly by mail and did meet with, or received correspondence from, several Members as noted in Schedule 1.

The Commissioners also held discussions with a member of the staff of the Speaker's office to review any concerns which may have arisen in the past year, particularly with respect to the administration and support services for the work of private members and caucus offices.

II. INDEMNITIES, ALLOWANCES AND SALARIES: BACKGROUND CONSIDERATIONS

1. Basic Indemnities, Allowances and Salaries for MLAs and Ministers

In its Report filed on November 29, 1990, your Commissioners concluded that the indemnities of Members, together with their expense allowances, should remain the same in 1991 as it had been for the calendar year 1990. The same conclusion was reached with respect to salaries paid to office holders, including the Premier, Ministers, the Speaker, Leader of the Opposition, Leader of the Recognized Party and indeed other officers of the Assembly including the Clerk, Deputy Clerk and Sergeant-at-Arms.

For purposes of information, during the calendar year 1991 and 1992, a Member of the House of Assembly was entitled to an Annual Indemnity of $30,130 together with an annual expense allowance of $15,065 for a total basic remuneration of $45,195. Under the provisions of the *Income Tax Act* (Canada) the annual expense allowance is not considered taxable income to the Member, and can amount to 50% of a Member's annual indemnity.

In addition, during 1991 and 1992 salaries were paid to certain Members in relation to the important offices they held, as follows: to the Premier $52,102; a Minister having charge of a Department (i.e., a "Minister with portfolio") $37,055; a Minister without portfolio up to $37,055; the Speaker $37,055; the Leader of the Opposition $37,055; the Deputy Speaker $18,533; and the Leader of a Recognized Party, other than the Opposition, $18,533.

2. Additional Payments to Members for Services in the House

Some Members are assigned additional responsibilities important to the working of the House of Assembly and, consequently, they are entitled to additional remuneration for these responsibilities.

In 1991, such additional payments were as follows: House Leader ($5,000 per annum); Deputy House Leader ($3,000 per annum); House Leader of the Official Opposition ($2,000 per

annum); Whip of each Party ($85 per Caucus Member in the House); and Caucus Chairperson of each Party ($85 per Caucus Member in the House). These levels have not varied in 1984, or earlier in some cases. They are presently established by Regulation of the Legislature Internal Economy Board.

As authorized by the Internal Economy Board Regulations for 1991, a scale of payment to certain committee chairmen is as follows:

Law Amendments, Legislature Internal Economy Board and Special and Select Committees

- $1,500 for Chairman

Private and Local Bills, Public Accounts, Industry

- $1,000 for Chairman

All Other Committees

- $500 for Chairman

With respect to additional payments made to Members for services provided in the House, we propose no changes whatsoever.

III. REMUNERATION OF MLAs

As noted in the Introduction to this Report, your Commissioners, being bound by the *Public Sector Compensation Restraint Act*, make no recommendation or proposal with respect to any indemnity or allowance to be paid to Members of the Assembly for 1993, and their remuneration for next year shall be the same as it had been for 1991 and 1992.

Your Commissioners have also been advised that the Federal Government is considering a change in policy which could result in the percentage of a Member's tax free allowance, that is contributed to the pension account, as being taxable income in the hands of the Members.

IV. ADMINISTRATION AND SUPPORT SERVICES

In the Report filed with the Speaker on November 29, 1990, provisions were made for support to Members for costs incurred in their constituency. These related generally to travel within their constituencies and the costs of operating constituency offices. Proposals which we made have been approved by the Legislative Internal Economy Board for 1991 and we make no further comment with respect to them. We also note that the proposal made in 1992 that the Legislature's Internal Economy Board abolish the $100.00 per diem for attendance at committee or board meetings has been adopted. At this time we would note that the recent changes in constituency boundaries have given rise to serious and real concerns of many Members as to how they can properly serve their new constituents.

The passage of the *Public Sector Compensation Restraint Act* is a manifestation of the fiscal difficulties with which this government and other governments across Canada are currently facing. Indeed your Commissioners would be insensitive if they were not aware of the problems being faced by all sectors of society with perhaps the exception of the extremely wealthy. This situation has tended to focus the attention of your Commissioners on the level of support provided to Members of the Assembly. We do recognize their peculiar needs but we also believe that during times of difficulty leadership must be provided by our elected Members.

In our Report of last year the second proposal suggested that the Internal Economy Board review the per diem meal allowance and the franking allowance paid to Members and also establish criteria pursuant to Section 8 of the *Executive Council Act*.

We understand that the Internal Economy Board has not had an opportunity to consider these changes. Given the earlier comment in this Report dealing with the change in Provincial boundaries, your Commissioners now believe that it may be appropriate to give serious consideration (after some study) of an adjustment in the franking privilege. At the present time we do not have enough information to deal with this topic but we do believe that the changes being made to the constituency boundaries will significantly impact on a number of Members of the Assembly.

It has been brought to the attention of your Commissioners that the change in size of a number of the constituencies will result in a considerable increase in travelling expense to many Members.

At the present time, the travel allowances provided for by the Internal Economy Board Regulations differentiate between a "inside Members" and a "outside Members". Section 2(c) of the *House of Assembly Act* defines an outside Member as a person who lives more than 25 miles from the place where the House normally sits.

This definition was intended to benefit those Members who live outside the Halifax-Dartmouth area and who would normally have to travel much greater distances to visit and meet with their constituents. However, this simplistic definition ignores the reality that there are in Nova Scotia a number of constituencies outside of Halifax which are essentially urban in nature and the travel allowance paid to Members in those constituencies is identical to those paid to Members who have constituencies which extend for many miles. We believe this to be an inequity that needs to be addressed.

We would propose the following:

P-1 That the Internal Economy Board either review, or commission a review, of the travel allowances of Members with a view to correcting the inequalities which currently exist within the system and which will be exacerbated when the change of constituency boundaries takes effect.

While a number of other matters have been brought to the attention of your Commissioners given the existence of continuing restraint on the part of Government and the depressed economy of the Province as a whole, we feel that it is not appropriate at the present time to recommend or propose any changes in the support services provided for Members.

A further substantive matter has also been brought to the attention of your Commissioners, which relates to the severance allowance provided for by Section 50 of the *House of Assembly Act*. The purpose of the severance allowance is to soften the sometimes sudden and traumatic removal of a Member from public to private life.

The Act provides financial assistance to former Members in twelve equal instalments allowing them some income until they obtain alternate employment. Section 50 of the Act also provides that should a Member of the House of Assembly begin to receive a payment pursuant to the *Member's Retiring Allowances Act* while he is receiving a severance allowance, the severance allowance shall cease forthwith.

It has come to our attention that some former Members of the Assembly, shortly after departure from public life, are assuming employment with the Federal or Provincial public service, sometimes as Judges, Senators or members of fulltime Boards or Commissions. The question arises as to whether or not a former MLA should receive a severance allowance while at the same time being remunerated at public expense. Your Commissioners have not researched this question, but feel that it may require attention in the future.

We understand that the Speaker intends to take steps to try to recover from the Federal Government the GST paid by Members in connection with the operation of their constituency offices. We applaud this move and presume that the rebate of such funds will be returned to each Member of the House of Assembly so that the operation of their offices will not be impacted by the effect of the GST. This will provide some interim relief to many Members of the Assembly who find that the cost of operating their constituency offices is an increasing burden.

V. SALARIES OF MEMBERS HOLDING OFFICE AND EXPENSES OF MEMBERS OF THE EXECUTIVE COUNCIL

Based upon the limitations contained in the *Public Section Compensation Restraint Act*, your Commissioners make no recommendations or proposals with respect to the salaries or expenses of Members of the Executive Council.

VI. SALARIES FOR OFFICERS OF THE HOUSE

Based upon the limitations contained in the *Public Section Compensation Restraint Act*, your Commissioners make no recommendations or proposals with respect to the salaries or expenses of the Chief Clerk, Deputy Clerk, Legislative Counsel and Sergeant-at-Arms.

VII. CONCLUSION

The *Public Sector Compensation Restraint Act* has severely constrained the activity of your Commissioners as we are bound by the provisions of that legislation. Consequently there have been no increases in any of the indemnities, allowances or salaries paid pursuant to the *House of Assembly Act* or the *Executive Council Act*. We note that while the wage restraint legislation freezes the remuneration of Members for a period of two years, in the last Report filed by the Commissioners on November 29, 1990, no increases were granted for the year 1991. Consequently Members of the House of Assembly will have, as of January 1, 1994, been without any change in their remuneration for a period of three years.

We noted in our last Report that the government was in a period of retrenchment and that Members of the Legislature had an obligation to their constituents to act in a way which provides an example to others. While the restraint legislation has effectively tied our hands for two years, not one of the Members of the House of Assembly with whom we met indicated that they were in any way distressed by the legislation. We believe this is a strong indication of the Members' desire to act responsibly and as leaders in the efforts to achieve fiscal responsibility within Nova Scotia.

Your Commissioners continue to believe that it is a good policy to ensure that the public is aware of all of the aspects touching upon the indemnity, allowance and expenses of Members of the Legislature and of the Executive Council and, while the process this year has again been extremely limited, we have endeavoured to fulfil our restricted mandate.

VIII. SUMMARY OF PROPOSALS

The Commissioners consider that there are a number of matters which do not clearly fall within their commission "to make an enquiry and a report respecting the indemnities, allowances and salaries to be paid..." are worthy of further consideration by those responsible for the operations of the House of Assembly most cannot be dealt with at this time. However after review the Commissioners, make this one proposal:

P-1 That the Internal Economy Board either review, or commission a review, of the travel allowances of Members with a view to correcting the inequities which currently exist within the system and which will be exacerbated when the change of constituency boundaries takes effect.

SCHEDULE 1

1.	Ronald C. Giffin, M.L.A.	-	Truro-Bible Hill
2.	Earle Rayfuse, M.L.A.	-	Annapolis East
3.	Paul MacEwan, M.L.A.	-	Cape Breton Nova
4.	Edward F. Lorraine, M.L.A.	-	Colchester North
5.	Myles S. Rector	-	Director of Administration, Office of the Speaker
6.	James Barkhouse, M.L.A.	-	Lunenburg East
7.	Percy Fleet	-	Superintendent of Pensions Province of Nova Scotia
8.	Kenneth MacAskill, M.L.A.	-	Victoria
9.	Charles MacArthur, M.L.A.	-	Inverness
10.	Dr. Colin Stewart, M.L.A.	-	Colchester South
11.	William J. Gillis, M.L.A.	-	Antigonish
12.	W. John Hawkins, M.L.A.	-	Hants East
13.	Guy Brown, M.L.A.	-	Cumberland Centre
14.	Richard W. Mann, M.L.A.	-	Richmond

APPENDIX A

The Speaker

House of Assembly
Nova Scotia

PO Box 1617
Halifax, Nova Scotia
B3J 2Y3

902 424-5707

October 1, 1992

Mr. George White, LL.B.
Patterson Kitz
Barristers and Solicitors
P. O. Box 1068
Truro, Nova Scotia
B2N 5B9
and

Mr. George Mitchell, Q.C.
Cox, Downie & Goodfellow
Barristers and Solicitors
P. O. Box 2380, Station M
Halifax, Nova Scotia
B3J 3E5

Gentlemen:

This will confirm your appointment as Commissioners pursuant to Chapter 29 of the Statutes of Nova Scotia, 1983, to make an enquiry and a report respecting the indemnities, allowances and salaries to be paid under the House of Assembly Act and the Executive Council Act.

In accepting this appointment I would draw to your attention Bill 160, An Act Respecting Compensation Restraint in the Public Sector (copy enclosed) and its applicability to Officers and Staff of the House of Assembly, members of the Executive Council and Members of the House of Assembly.

I thank you for your willingness to undertake these duties and can assure you of the full co-operation of the Office of the Speaker in carrying out your work.

I look forward to receiving your report on or before December 1, 1992 as required by the Act.

Yours very truly,

Ronald S. Russell, C.D.
Speaker

RSR:nk
Enclosure

LEGISLATURE INTERNAL ECONOMY BOARD REGULATION

CITATION

1 This Regulation may be cited as *Internal Economy Board Regulation 1992*.

AUTHORITY

2 This Regulation is made by the Legislature Internal Economy Board pursuant to subsection (5) of Section 49, subsection (1) of Section 51, subsection (7) of Section 53 and Section 54 of Chapter 210 of the Revised Statutes, 1989, the *House of Assembly Act*.

INTERPRETATION

3 Unless otherwise stated, in this Regulation,

(a) "economy air fare" does not include expenses incurred for the private charter of aeroplanes;

(b) "recognized party" means a party represented by two or more members and which is a recognized party in accordance with the *Elections Act* and had candidates standing for election for three quarters of the seats of members in the House and which received ten per cent or more of the votes officially recorded in the latest general election of the members of the House; and

(c) other words, phrases and expressions have the same meaning as in the *House of Assembly Act*.

HOUSE INDEMNITY-ALLOWANCE-TRAVEL-EXPENSE

Indemnity-Allowance-Salary

4 (1) Each member of the House is entitled during the year 1992 to receive a member's indemnity and allowance in four equal instalments, or where the member so requests in writing of the Chairman of the Legislature Internal Economy Board, in twelve or twenty-six equal instalments, each instalment being paid at equally spaced intervals throughout the year.

(2) The Chief Clerk and the Sergeant-at-Arms are eligible to draw salary in the same manner as the members of the House of Assembly.

Franking

5 Each member of the House is entitled to receive $3,500.00 in substitution for the franking privilege and in lieu of expenses incurred on account of postage.

Outside Member Travel

6 (1) Subject to Section 32, each outside member, except the member of the Executive Council holding the recognized position of Premier or a member of the Executive Council having charge of a department or the member occupying the recognized position of Leader of the Opposition or a leader of a recognized party, is entitled to reimbursement for actual travelling expenses calculated in accordance with Section 33 and incurred in 1992 between the place where the outside member is ordinarily resident and the City of Halifax to attend sittings of the House.

(2) Notwithstanding subsection (1), each member of the Executive Council who is an outside member and normally travels by motor vehicle on a daily basis between the Halifax-Dartmouth Metropolitan area and the member's constituency in the capacity of a member of the Executive Council, is entitled to be reimbursed for travelling expenses by the shortest and most convenient route at the rate of 29.1 cents per kilometre.

(3) Subsection (2) does not apply to

(a) a member of the Executive Council who is an outside member and who has been provided with a government leased or purchased motor vehicle; or

(b) a member of the Executive Council who is an outside member and who leases premises for sleeping accommodation in the Halifax-Dartmouth Metropolitan area.

Outside Member Allowance

7 (1) Each outside member, except the member of the Executive Council holding the recognized position of Premier or a member of the Executive Council having charge of a department or the member occupying the recognized position of leader of the Opposition or a leader of a recognized party, is entitled for attending a sitting of the House to

(a) an amount of $55.00 on account of expenses, without receipts, for each day that the outside member is in attendance at the House while the House is in session; and

(b) reimbursement in addition to that authorized by clause (a) for expenses,

(i) with proper receipts for sleeping accommodation charges only, or

(ii) notwithstanding Sections 6 and 32, for travel by the shortest and most convenient route between the place where the outside member is ordinarily resident and the place where the House ordinarily sits at the rate set out in Section 33,

incurred in attending the House while it is in session to a maximum of $85.00 per day.

(2) Notwithstanding anything contained in this Section, a member shall not submit a claim for travel more often than once every two weeks in respect of payments to be made pursuant to this Section.

Leased Premises

8 (1) An outside member, other than a member of the Executive Council holding the recognized position of Premier or a member of the Executive Council having charge of a department or the member occupying the recognized position of leader of the Oppposition or a leader of a recognized party, who leases accommodation in the Halifax-Dartmouth Metropolitan area, shall be reimbursed $700.00 per month or the actual monthly rental expense as set out in the lease, whichever is the lesser.

(2) If two or more members are leasing the same premises pursuant to subsection (1), each member shall be reimbursed $700.00 per month, but under no circumstances shall reimbursement be made in excess of the monthly rental expense as set out in the lease.

(3) If a member is reimbursed for leased premises pursuant to this Section, the member shall not be reimbursed for sleeping accommodation charges pursuant to Sections 7 or 27.

Non-Outside Member and Outside Member of Executive Council Allowance

9 Each non-outside member, and each outside member who is a member of the Executive Council or the member occupying the recognized position of Leader of the Opposition or a leader of a recognized party and not entitled to submit a claim pursuant to Section 7, is entitled to an amount of $40.00, without receipts, for expenses for each day that the member is in attendance at the House while the House is in session.

Committee Chairmen

10 The Chairman of each Standing Committee, each Select Committee and each Special Committee of the House and the Legislature Internal Economy Board is entitled to payment as follows:

(a) Law Amendments Committee - $1,500.00;

(b) Private and Local Bills Committee, Industry Committee and Public Accounts Committee - $1,000.00;

(c) all other Standing Committees of the House - $500.00;

(d) each Special Committee and each Select Committee - $1,500.00;

(e) Legislature Internal Economy Board - $1,500.00.

Committee Expenses

11 (1) The Chairman and each member of each Standing, Select and Special Committee of the House and the Legislature Internal Economy Board for each day on which the Chairman and a member attends a meeting of a Committee or

the Board when the House is not sitting or the meeting is held outside the Halifax-Dartmouth metropolitan area is entitled to receive reimbursement for

(a) actual expenses incurred in respect of accommodation, meals and other reasonable expenses incurred for the purpose of attending the meeting; and

(b) travelling expenses calculated in accordance with Section 33.

(2) Sleeping accommodation charges incurred and claimed pursuant to subsection (1) shall

(a) be accompanied by proper receipts; and

(b) not exceed the government rate for the establishment where the member stayed.

House Leaders

12 (1) A payment of $5,000.00 shall be made to the House Leader.

(2) A payment of $3,000.00 shall be made to the Deputy House Leader.

(3) A payment of $2,000.00 shall be made to the person recognized by the Speaker as occupying the position of House Leader of the Official Opposition.

(4) The Whip of each recognized party of the House shall receive a payment determined by multiplying the number of members of the party by $85.00.

(5) The Caucus Chairman of each recognized party of the House shall receive a payment determined by multiplying the number of members of the party by $85.00.

(6) In this Section, "member" means a duly elected member of the House but does not include the Speaker.

(7) If a payment is made pursuant to this Section to a member in the capacity of House Leader, Deputy House Leader, House Leader of the Official Opposition, Whip or Caucus Chairman, no further payment may be made pursuant to this Section in respect of that position.

CAUCUS

13 (1) In order to promote the intent of the *House of Assembly Act* with respect to support services for caucus offices during the year 1992, a sum shall be paid, at such level as is determined from time to time by the Legislature Internal Economy Board, to each caucus office set forth below sufficient to provide

(a) the Government Caucus Office with five secretaries, one Director of Research, one Researcher, one Assistant Researcher and one Office Manager;

(b) the Office of the Leader of the Opposition and the Official Opposition Caucus Office with nine secretaries, one Director of Research, one Research Assistant, four researchers, one senior assistant or senior secretary, two receptionists, one Office Manager and one Director of Policy and Research; and

(c) the Office of the Leader of a Recognized Party and the caucus office of the recognized party namely the New Democratic Party with one secretary, one research assistant, one senior assistant or senior secretary, one receptionist and one Office Manager,

and such further sum as is determined from time to time by the Legislature Internal Economy Board in accordance with the budget approved by the House of Assembly.

(2) Members of the Government Caucus, members of the Caucus of the Official Opposition and members of the caucus of each recognized party are eligible for reimbursement, pursuant to subsections (4) and (5), for a maximum of four trips to attend caucus meetings held in the Province outside the City of Halifax during the year 1992.

(3) In lieu of each of one or more of the caucus meetings referred to in subsection (2), members of the Government Caucus, members of the Caucus of the Official Opposition and members of the caucus of each recognized party may be reimbursed in accordance with subsections (4) and (5) and Section 27 for a trip to attend a task force meeting anywhere within the Province where the task force meets in one location only and is for a maximum of two nights.

(4) A member attending a caucus meeting pursuant to subsection (2) or a task force meeting pursuant to subsection (3) is entitled to receive reimbursement for

(a) an amount of $55.00 on account of expenses, without receipts, for meals and other reasonable expenses incurred for the purpose of attending the meeting or actual expenses for meals and other reasonable expenses;

(b) actual expenses incurred in respect of accommodation; and

(c) travelling expenses calculated in accordance with Section 33.

(5) Sleeping accommodation charges incurred and claimed pursuant to subsection (4) shall

(a) be accompanied by proper receipts; and

(b) not exceed the government rate for the establishment where the member stayed.

Caucus Chairmen - Expenses

14 Where the Chairman of a Caucus is an outside member, that member is entitled to claim and to be paid, in addition to any other expenses allowed the Chairman, the same allowance and reimbursement authorized for an outside member

for twelve return trips between the place where the Chairman is ordinarily resident and the City of Halifax.

LEADER OF OPPOSITION

Expenses within the Province

15 The member occupying the recognized position of Leader of the Official Opposition, in carrying out official duties within the Province, is entitled to be reimbursed for actual and reasonable expenses incurred for accommodation, meals, travel and incidentals incurred by the Leader and one assistant.

Special Travel

16 In addition to the entitlement authorized by Section 28, the Leader of the Official Opposition is entitled to be reimbursed for actual and reasonable expenses incurred for accommodation, meals, travel and incidentals incurred by the Leader and one assistant in carrying out official duties outside the Province on two separate occasions during the period from January 1, 1992, to December 31, 1992, subject to the restriction that on each occasion reimbursement shall not exceed expenses incurred for travel that includes more than three nights accommodation.

Living Allowance

17 The member occupying the recognized position of Leader of the Official Opposition, as an outside member, shall receive an allowance equivalent to that provided pursuant to the *Executive Council Act* to members of the Executive Council for living expenses within the City of Halifax.

Motor Vehicle

18 The member occupying the recognized position of Leader of the Official Opposition is entitled to a leased motor vehicle on the same basis as is a member of the Executive Council for a government leased or purchased motor vehicle.

LEADER OF RECOGNIZED PARTY

Expenses within the Province

19 A leader of a recognized party in carrying out official duties within the Province is entitled to be reimbursed for actual and reasonable expenses for accommodation, meals, travel and incidentals incurred by the leader and one assistant.

Special Travel

20 In addition to the entitlement authorized by Section 28, the leader of a recognized party is entitled to be reimbursed for actual and reasonable expenses incurred for accommodation, meals, travel and incidentals incurred by the leader in carrying out official duties outside the Province on two separate occasions during the period from January 1, 1992, to December 31, 1992, subject to the restriction that on each occasion reimbursement shall not exceed expenses incurred for travel that includes more than three nights accommodation.

MEMBER FOR DARTMOUTH SOUTH

Support Services

21 (1) The member for Dartmouth South shall be provided with

(a) office space not exceeding three hundred square feet;

(b) one secretary at the Civil Service classification AS(6);

(c) office furniture necessary to furnish the office for the member and one secretary;

(d) one telephone line;

(e) one typewriter; and

(f) reasonable postage.

(2) Should there be any question arising from subsection (1) in respect of the office of the member for Dartmouth South concerning

(a) the selection of space;

(b) the level of the secretary within the AS(6) classification;

(c) the selection or amount of furniture;

(d) the selection of a typewriter; or

(e) reasonable postage,

such question shall be determined by the Chairman of the Legislature Internal Economy Board.

(3) The member for Dartmouth South may incur and be reimbursed for long distance telephone charges for telephone calls made from the office telephone in respect of House or constituency business.

CHIEF CLERK

Salary

22 The Chief Clerk shall be paid a salary of $40,404.00 per annum.

ASSISTANT CLERK

Salary

23 The Assistant Clerk shall be paid such sum on a per diem basis as is determined from time to time by the Chairman of the Legislature Internal Economy Board.

SERGEANT-AT-ARMS

Salary

24 The Sergeant-at-Arms shall be paid $150.00 per sitting day or $17,000.00 per annum, whichever is the greater.

CONSTITUENCY MATTERS

Travel

25 (1) Each member of the House who is not an outside member is entitled to receive $2,300.00 in lieu of expenses incurred on account of travel within the member's constituency.

(2) Each member of the House who is an outside member is entitled to receive $3,400.00 in lieu of expenses incurred on account of travel within the member's constituency.

Services

26 (1) Each member of the House is entitled to receive the sum of $300.00 per month in lieu of expenses incurred on account of services to that member's constituency and a further sum not exceeding $1,900.00 per month for expenses accounted for by proper receipt and incurred on account of services in that member's constituency for the provision of office space, meeting places, equipment, telephone, telephone answering services, advertising and secretarial services.

(2) Where the maximum amount that may be claimed pursuant to subsection (1) is not claimed in any month the unclaimed balance may be claimed in a subsequent month.

(3) Expenses in excess of $500 per year incurred for the purchase of office furniture and equipment are not expenses for which a member may be reimbursed pursuant to this Section.

(4) Expenses incurred for the lease or the lease-purchase of office furniture and equipment are expenses for which a member may be reimbursed pursuant to this Section.

(5) Notwithstanding anything contained in this Section, a member shall not submit more than one expense claim in a month in respect of all payments made pursuant to this Section for a month.

Attendance at Halifax

27 (1) Subject to Section 32, each outside member, except the member of the Executive Council holding the recognized position of Premier or a member of the Executive Council having charge of a department or the member occupying the recognized position of Leader of the Opposition or a leader of a recognized party, is entitled to

(a) an allowance of $55.00 on account of expenses, without receipts, for each day; and

(b) reimbursement in addition to that authorized by clause (a) for travelling expenses calculated in accordance with Section 33 and expenses for sleeping accommodation charges incurred,

for return trips between the place where the member is ordinarily resident and the City of Halifax to attend in Halifax other than to attend a sitting of the House or one of its committees.

(2) Sleeping accommodation charges incurred and claimed pursuant to subsection (1) shall

(a) be accompanied by proper receipts;

(b) not be for more than two nights accommodation unless approved in advance by the Chairman of the Legislature Internal Economy Board; and

(c) not exceed the government rate for the establishment where the member stayed.

Attendance at Ottawa

28 (1) Each member is entitled to

(a) an allowance of $80.00 on account of expenses, without receipts, for each day; and

(b) reimbursement in addition to that authorized by clause (a) for economy air fare, normal airline ground transportation and expenses for sleeping accommodation charges incurred,

for one return trip between the place where the member is ordinarily resident and the City of Ottawa to attend in Ottawa on constituency business.

(2) Sleeping accommodation charges incurred and claimed pursuant to subsection (1) shall

(a) be accompanied by proper receipts;

(b) not be for more than two nights accommodation; and

(c) not exceed the government rate for the establishment where the member stayed.

Attendance Outside the Province Other than Ottawa

29 (1) Where a member is not reimbursed pursuant to Section 28 for a return trip between the place where the member is ordinarily resident and the City of Ottawa on constituency business, that member is entitled to

(a) an allowance of $80.00 on account of expenses, without receipts, for each day; and

(b) reimbursement, in addition to that authorized by clause (a), for economy air fare, normal airline ground transportation and expenses for sleeping accommodation charges incurred,

for one return trip between the place where the member is ordinarily resident and another place in Canada outside the Province to attend that other place on constituency business.

(2) Sleeping accommodation charges incurred and claimed pursuant to subsection (1) shall

(a) be accompanied by proper receipts;

(b) not be for more than two nights accommodation; and

(c) not exceed the government rate for the establishment where the member stayed.

(3) Notwithstanding subsections (1) and (2), the member is not entitled to an amount pursuant to this Section for economy air fare charges in excess of that to which the member would have been entitled pursuant to Section 28.

Attendance at Authorized Parliamentary or Legislative Meetings

30 Each member is entitled to

(a) an allowance of $80.00 on account of expenses, without receipts, for each day; and

(b) reimbursement in addition to that authorized by clause (a) for economy air fare, normal airline ground transportation and expenses for sleeping accommodation charges incurred if the sleeping accommodation charges are

(i) accompanied by proper receipts,

(ii) not for more than two nights accommodation, and

(iii) do not exceed the government rate for the establishment where the member stayed,

unless determined otherwise by the Chairman of the Legislature Internal Economy Board for return trips between the place where the member is ordinarily resident and another place to attend at that other place a meeting of the Commonwealth Parliamentary Association or a meeting of any other parliamentary or legislative group, if prior approval of the Chairman of the Legislature Internal Economy Board is obtained prior to the incurring of the expenses.

Expenses of Critics

31 Persons occupying the position of critic of a Department or agency of Government are entitled to reimbursement for actual and reasonable expenses for accommodation, meals, travel and incidentals incurred by the critic for attending not more than two meetings per year within the Province which meetings are necessarily

incidental to the duties of the critic if prior approval of the Chairman of the Legislature Internal Economy Board is obtained prior to the incurring of the expenses.

GENERAL

Restriction

32 No member shall be reimbursed for travel expenses authorized by Sections 6, 13 and 27 in excess of fifty-two return trips in 1992 between the place where the member is ordinarily resident and the City of Halifax to attend in Halifax, other than for attendance at a meeting of a Select Committee, a Special Committee or a Standing Committee.

Calculation of Travel Expense

33 Each outside member of the House, the member occupying the recognized position of Leader of the Opposition and a leader of a recognized party entitled under the *House of Assembly Act* to receive travelling expenses is entitled to be reimbursed out of the Consolidated Fund of the Province for claimed travelling expenses incurred for travel by the shortest and most convenient route between the place where the member is ordinarily resident and the place where the House ordinarily sits or the Committee is meeting at

(a) the rate of 29.1 cents per kilometre; or

(b) the cost of economy air fare plus normal airline ground transportation.

Request for Reimbursement

34 A person who makes a request for payment or reimbursement shall

(a) make the request in writing on the form provided by the Legislature Internal Economy Board;

(b) make the request within six months from the time the payment or claim for which reimbursement is made was incurred or became eligible to be paid;

(c) sign the request and certify that the request is correct; and

(d) forward the request to the office of the Speaker.

Limitation on Reimbursement

35 Notwithstanding anything contained in this Regulation, no member may claim for reimbursement an expense

(a) for which the member is reimbursed pursuant to another regulation or enactment;

(b) paid to the member's spouse, child, parent, brother or sister;

(c) paid to a person living in the same dwelling, as a member of the same household;

(d) paid to any business or on account of property in which the member or those persons mentioned in clause (b) or (c) have an ownership interest.

Payment Approval

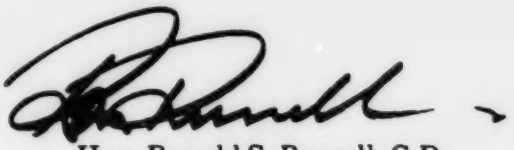
36 (1) Directions for payment of indemnities, allowances, payments or reimbursements and approval of requests for payment or reimbursement shall be issued or made by the Chairman of the Legislature Internal Economy Board, the Vice-chairman or a person designated by the Chairman.

(2) The person who approves a request for payment or reimbursement has the authority to reduce or increase the amount of the payment or reimbursement claimed where that person determines that the amount claimed is in error.

Application

37 All Sections of this Regulation apply from the first day of January, 1992, to the thirty-first day of December, 1992, and are a replacement for provisions in a previous Regulation to the extent that it would otherwise apply to this period.

Approved by the Legislature Internal Economy Board at Halifax, Nova Scotia this 4th day of December, 1991.



Hon. Ronald S. Russell, C.D.
Chairman

House of Assembly
Nova Scotia

Report

Commission of Inquiry
on
Remuneration of Elected
Provincial Officials

November 30, 1992

(Members' Retiring Allowances Act)

Commission of Inquiry
on
Remuneration of Elected Provincial Officials

Commissioners:

George M. Mitchell, Q.C.
George L. White, LL.B.

Secretary to the Commission:
Joan M. Kelly

Post Office Box 2630
Station "M"
Halifax, N.S.
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424-4432

November 30, 1992

The Honourable Ronald S. Russell, C.D.
Speaker of the House of Assembly
Province House
Halifax, Nova Scotia

Dear Mr. Speaker:

You appointed me as a Commissioner pursuant to S. 55 of the House of Assembly Act, to make an inquiry and a report respecting the allowances to be paid under the Members' Retiring Allowances Act.

Having completed the inquiry, in fulfilment of the commission assigned, the accompanying report is respectfully submitted.

Yours sincerely,

George L. White
Commissioner

NOVA SCOTIA

COMMISSION OF INQUIRY

ON

REMUNERATION OF ELECTED

PROVINCIAL OFFICIALS

NOVEMBER 30, 1992

(MEMBERS' RETIRING ALLOWANCES ACT)

I. INTRODUCTION

In accordance with Section 55 of the *House of Assembly Act*, the Speaker of the House appointed a Commission by letter dated October 1, 1992, "to make an inquiry and a report respecting the allowances to be paid under the *Members' Retiring Allowances Act*", (hereinafter referred to as the "Act").

The Superintendent of Pensions of the Province of Nova Scotia, namely Mr. Percy Fleet, has been of assistance to the Commission in the course of carrying out its limited duties.

Any Recommendations contained in this Report would be made with the expectation they will be acted upon effective January 1, 1993, pursuant to Section 55 of the *House of Assembly Act*.

II. RESTRAINT LEGISLATION

The *Public Sector Compensation Restraint Act* (hereinafter referred to as "*the Restraint Act*"), Part II provides the indemnities, allowances and salaries paid pursuant to the *Executive Council Act* and the *House of Assembly Act* immediately before the coming into force of the *Restraint Act* are continued until the 1st day of January, 1994 without change. The *Restraint Act* does not expressly limit or prohibit changes or improvements to retiring allowances in the Act.

It is clear that the purpose of the *Restraint Act* is to restrict changes in public service compensation plans. Members of the Legislature should be subject to the same restraint as applies to others in the public sector.

The provisions respecting retiring allowances were reviewed in detail in 1989 and 1990 by this Inquiry Commission based on four guiding principles - financial security, public accountability, equity and accessibility.

Consequently, it is the view of your Commissioner that it would be inappropriate to recommend any changes in members retiring allowances at this time. Payments should continue to be made in accordance with the provisions of the Act and Recommendations of earlier Inquiry Commissions as if the *Restraint Act* applies.

Further information regarding the terms and provisions of the retiring allowances for members is contained in the November 29, 1990 report of this Inquiry Commission.

III. OTHER MATTERS

For the purpose of the retirement allowance, the Act establishes an account known as the "*Members' Retiring Allowance Account*". Members contribute and Government makes an equal contribution and credits interest on the balance in the Account from time to time. The Act provides if at any time the Account is insufficient to make payment provided under the

Act, the Account is then to be credited with sufficient funds for this purpose from the Consolidated Fund of the Province.

The "Members' Retiring Allowance Account" as it is referred to in the Act exists only as an accounting statement and does not represent a fund set aside for purposes of paying the retiring allowance. Therefore, the retiring allowance is unlike a pension scheme which is customarily funded from a plan established and maintained by the employer and employees. Nevertheless, the retiring allowance is a form of deferred payment and represents a liability of the Province.

The statement of the Members Retiring Allowances Account as of March 31, 1992 reports a "Government contribution" for the unfunded deferred liability. Since this is the first year of reporting the unfunded liability as a government contribution, the amount represents a one time lump sum non-cash acknowledgement of liability for past service. In light of this accounting change, it is assumed that, in future years, the charge to current expenditures of the Province will relate to the full amount of the cost of benefits earned for current service during that year. This would be consistent with suggestions made in the Inquiry Commission report of 1990 and the report of the Auditor General March 31, 1991 and with reporting procedures which we understand to be in place in many other Canadian jurisdictions.

procedures which we understand to be in place in many other Canadian jurisdictions.

Because of the *Restraint Act*, the procedure of this Inquiry Commission for this year has been abbreviated. It would therefore not be appropriate to make binding recommendations regarding changes to the retiring allowance paid under the the Act in the absence of a reasonable opportunity for public participation. However, there are some matters which should be considered in future years including:

(1) whether a former Member should receive a retiring allowance while serving as a judge, member of the House of Commons, Senate, Legislature of any other Province, a member of the federal or provincial public service or a full-time member of a federal or provincial board or commission. In light of the generosity of the retiring allowance it may not be equitable that a full retiring allowance is paid to an individual who is otherwise being fully and adequately remunerated at the public expense;

(2) whether an individual who is ineligible for payment of a retiring allowance by virtue of that individual's age at the time of election

to the Legislature, should be exempted from the obligation of contributing to the Account. Until such time as this issue is considered by a subsequent Inquiry Commission it may well be adequately handled by an Order-in-Council exempting any such person (for example, someone first elected at age 67) from the obligation to contribute.

The Speaker

House of Assembly
Nova Scotia

PO Box 1617
Halifax, Nova Scotia
B3J 2Y3

902 424-5707

October 1, 1992

Mr. George White, LL.B.
Patterson Kitz
Barristers and Solicitors
P. O. Box 1068
Truro, Nova Scotia
B2N 5B9

Dear Mr. White:

This will confirm your appointment as a Commissioner pursuant to Chapter 29 of the Statutes of Nova Scotia, 1983, to make an enquiry and a report respecting the allowances to be paid under the Members' Retiring Allowances Act.

I thank you for your willingness to undertake this duty and can assure you of the full co-operation of the Office of the Speaker in carrying out your work.

I look forward to receiving your report on or before December 1, 1992 as required by the Act.

Yours very truly,

Ronald S. Russell, C.D.
Speaker

RSR:nk